

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JOHN EDWARD WEEKS, #484085 §

VS. § CIVIL ACTION NO. 6:09cv11

BRAD LIVINGSTON, ET AL. §

ORDER OF DISMISSAL

Plaintiff John Edward Weeks, a prisoner confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the complaint should be dismissed for failure to obey an order and for failure to prosecute in that the Plaintiff failed to pay the initial partial filing fee of \$6.70. The Plaintiff did not file objections. On the other hand, he filed a response indicating that he would pay the fee by April 20, 2009. As of today, however, he still has not paid the initial partial filing fee nor offered any explanation for such failure. It is therefore

ORDERED that the complaint is **DISMISSED** with prejudice for failure to obey an order of the Court and for failure to prosecute. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 12th day of May, 2009.



LEONARD DAVIS
UNITED STATES DISTRICT JUDGE